



**FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)**

Case Reference : LON/00AG/LDC/2015/0017

Property : 1 Narcissus Road, London NW6 1TJ

Applicant : Southern Land Securities (the landlord)

Representative : Hamilton King, managing agents

Respondents : Mr D Pontin - lower ground floor flat and garden
Dr J Lusher – ground floor flat
Mr Edwards and Ms Littlewood – First Floor Flat
Mr Anderson – second and third floor flat

Representative : None

Type of Application : For dispensation of the consultation requirements under section 20ZA

Judge : Sonya O’Sullivan

Date of Decision : 23 March 2015

DECISION

The application

1. The Applicant seeks an order pursuant to s.20ZA of the Landlord and Tenant Act 1985 (as amended) (“the 1985 Act”) for the dispensation of any or all of the consultation requirements. The property concerned is described in the application as an end of terraced property constructed over ground and two upper floors with additional accommodation within the basement and roof areas comprising 4 flats in the converted block known as 1 Narcissus Road, West Hampstead, London NW6 1TJ. (the “Property”) and the application is made against the various leaseholders set out in the front sheet to this application (the “Respondents”).
2. The issue in this case is whether the consultation requirements of section 20 of the 1985 Act should be dispensed with.
3. The Applicant seeks dispensation in respect of qualifying works in relation to the cost of erecting scaffolding and instructing a surveyor to report on the works required at the property as the top floor flat is suffering from water ingress.

The background

4. The application was dated 21 January 2015. Directions were made dated 10 February 2015 which provided for the Respondents to indicate whether they consented to the application and wished to have a hearing.
5. As none of the parties requested an oral hearing this matter was considered by way of a paper determination on 23 March 2015.
6. The Tribunal did not consider that an inspection was necessary given the nature of the works in question, nor would it have been proportionate to the issues in dispute.
7. The only issue before the Tribunal is whether it should grant dispensation from all or any of the consultation requirements contained in section 20 of the 1985 Act.

The Applicant's case

8. The Applicant had filed a bundle in accordance with the directions.
9. The top floor flat at the Property is said to be suffering from water ingress. Pointing repairs were completed in September 2014 but the problem remains. The contractors, PMC Ltd have now suggested that scaffolding be put into place to inspect the property. A second contractor, Aldenham Roofing, was instructed on 18 November 2014 to attend and provide a second opinion and they also confirmed that scaffolding should be erected. Both of the contractors have provided quotations. A Stage 1 notice has been served under section 20 of the Landlord and Tenant Act 1985 by letter dated 20 January 2015. However the Applicant says that due to the severity of the problem it cannot complete consultation and wishes to ascertain the problem as soon as possible.

The Respondents' position

10. The directions provided for any Respondent who wished to oppose the application for dispensation to serve a statement of case. None of the leaseholders served any statements of case and thus the tribunal concluded that the application was unopposed.

The Tribunal's decision

11. The Tribunal determines that an order from dispensation under section 20ZA of the 1985 Act shall be made dispensing with all of the consultation requirements in relation to the erection of scaffolding and the instruction of a surveyor to inspect and report on the necessary works.

Reasons for the Tribunal's decision

12. The tribunal has the jurisdiction to grant dispensation under section 20ZA of the 1985 Act "*if satisfied that it is reasonable to dispense with the requirements*".
13. The application was not opposed by the leaseholders. The tribunal is satisfied that the works were urgently required and that it is appropriate to grant an order for dispensation in these circumstances.
14. The tribunal hereby orders that the Applicant shall serve a copy of this decision on each leaseholder.

Application under s.20C

15. There was no application for any order under section 20C before the tribunal.

Name: S O'Sullivan

Date: 23 March 2015